

BENJAMIN L. COLEMAN
California State Bar No. 187609
COLEMAN & BALOGH LLP
1350 Columbia Street, Suite 600
San Diego, California 92101
Telephone No. (619) 794-0420
Facsimile No. (619) 652-9964
blc@colemanbalogh.com

Attorneys for Defendant Leroy Baca

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEROY BACA,

Defendant.

Case No. CR 16-00066-PA

JOINT APPLICATION AND
STIPULATION TO SET BRIEFING
SCHEDULE ON BAIL PENDING
APPEAL MOTION AND TO EXTEND
SURRENDER DATE

Defendant Leroy Baca and plaintiff United States of America, through their counsel of record, hereby file this joint application and stipulation to set briefing schedule on defendant's bail pending appeal motion and to extend surrender date. In response to the Ninth Circuit's August 23, 2017 order, the parties jointly request that the Court order defendant to file his new application for bail pending appeal by August 28, 2017, the government to file its opposition by August 30, 2017, and defendant to file any reply by September 1, 2017. The parties stipulate to extend defendant's surrender date and that he may remain on release pending resolution of his bail pending application and, if this Court denies his application, defendant shall file any motion for bail pending appeal with the Ninth Circuit within two days of this Court's denial, which will continue defendant on release status until his motion is resolved by the Ninth Circuit. This application is based upon the attached declaration of Benjamin L. Coleman, and the files and records in this case.

Respectfully submitted,

s/Benjamin L. Coleman

Dated: August 23, 2017

BENJAMIN L. COLEMAN
Attorney for Defendant
Leroy Baca

Dated: August 23, 2017

s/Lizabeth A. Rhodes

s/Eddie A. Jauregui

s/Bram Alden

LIZABETH A. RHODES

EDDIE A. JAUREGUI

BRAM ALDEN

Assistant United States Attorneys

Attorney for Plaintiff

United States of America

DECLARATION OF BENJAMIN L. COLEMAN

1
2 1. I am an attorney admitted to practice in the Central District of California
3 and have been retained to represent defendant Leroy Baca on appeal of his convictions in
4 this case.

5 2. Today, August 23, 2017, the Ninth Circuit issued an order denying Mr.
6 Baca's motion for bail pending appeal without prejudice to him "filing a new application
7 for bail in the district court accompanied by evidence or argument specifically addressing
8 whether this appeal was filed for purpose of delay."

9 3. Today, August 23, 2017, I spoke with Lizabeth A. Rhodes, Eddie A.
10 Jauregui, and Bram Alden, the attorneys representing the government before this Court
11 and the Ninth Circuit in this matter. We agreed on suggesting the proposed expedited
12 briefing schedule to this Court for a new application for bail pending appeal and that Mr.
13 Baca could remain on release pending final resolution of the bail pending appeal
14 proceedings. They have given me permission to place their electronic signatures on this
15 motion and approve of the form of the proposed order granting this application.

16 I declare under penalty of perjury that the foregoing is true and correct and
17 that this declaration was executed on August 23, 2017, in San Diego, California.

18
19 *s/Benjamin L. Coleman*
20 BENJAMIN L. COLEMAN
21 Attorney for Defendant
22 Leroy Baca
23
24
25
26
27
28